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OFFICE OF PETITIONS

In re Application of :
Helt et al. :
Application No. 10/765,634 : DECISION ON PETITION
Filed: January 27, 2004 :
Attorney Docket No. TIR 2748,2837 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 7, 2007, to revive the above-identified application.


The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1050.00 extension of time fee submitted with the petition on December 7, 2007, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 3744 for further examination on the merits.


Liana Walsh
Petitions Examiner
Office of Petitions